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Registration of Persons Act 1989 [7 MIRC Ch 16]

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MARSHALL ISLANDS REVISED CODE 2004

TITLE 7 - PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 16

REGISTRATION OF PERSONS

ARRANGEMENT OF SECTIONS

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An Act to provide for the registration of Marshallese Citizens, for the issue of identity cards and for purposes connected therewith.

Commencement: April 7, 1989

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PART I - PRELIMINARY

§1601. Short Title.

This Chapter may be cited as the [Registration of Persons Act 1989](#). [P.L. 198941, §1.]

§1602. Interpretation.

In this Chapter, unless the context otherwise requires:

- (a) 'Assistant Registrar-General' means a person appointed as an Assistant Registrar-General for the Registration of Persons for the purposes of this Chapter;
- (b) 'Registrar-General' means a person appointed as the Registrar-General for the Registration of Persons for the purposes of this Chapter;
- (c) 'holder' in relation to an identity card, means a person to whom such card is issued under this Chapter;
- (d) 'identity card' means an identity card issued by the Registrar-General under this Chapter and includes a duplicate thereof so issued;
- (e) 'Minister' means the Minister responsible for Internal Affairs;
- (f) 'Register of Persons' means the Register of Persons, opened and maintained by the Registrar-General under this Chapter; and
- (g) 'registered person' means a person registered in the Register of Persons under this Chapter. [PL 1989-41, §2. Paragraph renumbered for consistency with the format and style of the Code. Amended by P.L. 1990-90, §2(1) substituting a new definition for 'Minister' amended by P.L. 1992-4, §4 changing the term 'Commissioner for the Registration of Persons' to 'Registrar-General' throughout this Chapter.]

PART II- ADMINISTRATION

§1603. Appointment of Officers and staff.

(1) The Registrar-General for the Registration of Persons shall be ex officio the Secretary of Internal Affairs or the Secretary's designee, who shall be a member of the public service.

(2) The Assistant Registrar-General for the Registration of Persons shall be appointed by the Registrar-General, who shall be a member of the public service.

(3) There may be appointed such other staff members as necessary, who shall be members of the public service. [P L. 1989-41, §3, amended by FL. 1990-90, §2(2) repealing Section 3 and enacting new Section 3.]

§1604. Powers and duties of Officers.

In the exercise, performance and discharge of the powers, duties or functions conferred under this Chapter, the Registrar-General shall be subject to the direction of the Minister and any Assistant Registrar-General may be subject to the direction of the Registrar General. [P.L. 1989-41, §4.]

§1605. Delegation of powers by the Registrar-General.

The Registrar-General may either generally or specially authorize any Assistant Registrar-General to exercise, perform or discharge any power, duty or function conferred or imposed upon him under this Chapter. [P.L. 1989-4 1, §3.]

PART III - REGISTRATION OF PERSONS

§1606. Persons eligible to registration.

(1) Every person who is a citizen of the Republic and who is not eligible to register under Subsection (2) of this Section shall be eligible to apply for registration, regardless of that persons age.

(2) A person who is the holder of a valid visa or endorsement granted to him under the Immigration and Emigration Act 1986 (43 MIRC 1), or who is exempted from the requirement of a visa or endorsement under the said Act, shall not be eligible to registration. [P.L. 1989-41, §6.]

Subsection (2) modified as to form for clarity. Amended by P.L. 1990-90, §3, substituting new Subsection (1)]

§1607. Register of Persons.

For the purpose of registration of persons under this Chapter the Registrar-General shall keep and maintain a Register called the Register of Persons in the prescribed form in which persons are registered from time to time in accordance with the provisions of this Chapter. [P L. 1989-4 1, §7.]

§1608. Registration.

A person who is eligible to registration under this Chapter, may apply to the Registrar-General for such registration. [P.L. 1989-41, §8.]

§1609. Application for registration.

- (1) Every application for registration shall be addressed to the Registrar-General and shall be in the prescribed form containing such particulars that may be required.
- (2) An application for registration shall include photographs of the applicant, to be either provided by the applicant or to be taken and processed by the Registrar-General or the Registrar-General's designee. The number, dimensions and specifications of the photographs shall be as determined by the Registrar-General or the Registrar-General's designee.
- (3) The identity of the applicant shall be certified by the person accepting the application in accordance with procedures to be determined by the Registrar-General or the Registrar-General's designee. **[P L. 1989-41, §9, amended by P L. 1990-90, §2(4). repealing Subsection (2) and (3) enacting new Subsections (2) and (3).]**

§1610. Rejection of application.

- (1) An application for registration may be rejected by the Registrar-General:
 - (a) if the application is not made under and in accordance with the provisions of this Chapter or the regulations made thereunder; or
 - (b) if the person is not eligible to registration under this Chapter, and accordingly no application shall be rejected by the Registrar-General except under any of the circumstances referred to in the preceding provisions of this Section.
- (2) In the event of any application for registration or an application for a duplicate of an identity card being rejected, it shall be the duty of the Registrar-General to inform the applicant in writing that such application has been rejected and he shall state the grounds for such rejection. **[P.L. 1989-41, §10.]**

§1611. Registrar-General's decision to be final.

The decision of the Registrar-General on any application for registration shall be final and conclusive. **[PL. 1989-41, §11]**

§1612. Registration by the Registrar-General.

Upon the receipt of an application for registration, the Registrar-General, if not rejected under Section 1610 of this Chapter, shall register the applicant in the Register of Persons by entering the prescribed particulars relating to the applicant. **[P.L. 1989-41, §12.]**

PART IV - IDENTITY CARDS

§1613. Issue of identity cards.

- (1) The Registrar-General shall, as soon as practicable after a person is registered issue to that person an identity card.
- (2) The identity card shall:
 - (a) be in the prescribed form and contain prescribed particulars including but not limited to the applicant's name, address, and date and place of birth:
 - (b) bear one copy of the applicant's photograph as required under Subsection 1609(2) of this Chapter:

(c) bear the signature of the facsimile of the signature of the Registrar-General or Assistant Registrar-General; and

(d) bear the signature of the applicant.

(3) The identity card shall also contain any distinguishing mark imposed on that card by a machine or otherwise under the authority of the Registrar-General. **[P.L. 1989-4 1, §13, amended by P. L. 1990-90, §5, substituting new Subsection (2)(a) and (b).]**

§1614. Issue of duplicate identity cards in case of loss.

(1) Any person who has lost his identity card may immediately report such loss to the nearest police station and may thereafter apply to the Registrar-General for a duplicate of the identity card.

(2) An application for a duplicate identity card shall:

(a) be made in the prescribed form: and

(b) include photographs of the applicant as provided under Subsection 1609(2) of this Chapter; and

(c) be accompanied by a certified copy of the extract of the complaint made to the police relating to the loss.

(3) Upon the receipt of an application for the issue of a duplicate of an identity card made under this Section, the Registrar-General shall issue such duplicate to the applicant unless he rejects such application upon the ground that the application is not made under and in accordance with this Chapter or any regulation made thereunder.

(4) An applicant for the issue of a duplicate identity card under this Section shall be liable to pay the cost of the copies of the photograph. **[PL. 1989-41, §14, amended by P.L. 1990-90, §6, substituting new Subsection (2)(b).]**

§1615. Issue of duplicate identity cards in case of damage.

(1) Where an identity card is damaged, detached or illegible or in danger of becoming illegible the holder of that card may apply to the Registrar-General for a duplicate of that card.

(2) An application for a duplicate of an identity card under this Section shall:

(a) be in the prescribed form:

(b) be accompanied by the original of that card; and

(c) include photographs of the applicant as provided under Subsection 1609(2) of this Chapter.

(3) No application for the issue of a duplicate identity card shall be refused by the Registrar-General except upon the ground that such application is not made in accordance with this Chapter or any regulation made thereunder.

(4) An applicant for the duplicate of an identity card under this Section shall be liable to pay the cost of the copies of the photograph. [PL. 1989-41, §15: amended by PL. 1990-90, §7, substituting new Subsection (2)(c).]

§1616. Registrar-General's decision to be final.

The decision of the Registrar-General on any application for a duplicate of an identity card shall be final and conclusive. [P.L. 1989-41, §16.]

§1617. Recovery of lost identity cards.

(1) Where a person who has lost his identity card subsequently recovers possession of the card, such person may if the duplicate of the card had been issued to him prior to such recovery, surrender the original of that card to the Registrar-General for cancellation within the prescribed period.

(2) Any person who finds an identity card which was not issued to him shall forthwith surrender that card to the Registrar-General or to the nearest police station. [P.L. 1989-41, §17.]

§1618. Surrender of identity cards.

In the event of the death of the holder of an identity card, the person having the custody of that card shall forthwith surrender it to the nearest police station or to the Registrar-General. [P.L. 1989-41, §18.]

§1619. Identity card not transferable.

The holder of an identity card shall not transfer or assign that card to any other person, and any such transfer or assignment effected shall be null and void. [P.L. 1989-41, §19.]

§1620. Alteration of identity card.

(1) No person, other than the Registrar-General or any other officer authorized by him, shall make any mark, endorsement, or entry upon, or erase, cancel, or alter any such mark, endorsement or entry contained in any identity card or otherwise deface or destroy such card.

(2) Any mark, endorsement or entry or any erasure, cancellation or alteration, referred to in Subsection (1) of this Section shall be properly authenticated by the Registrar-General or the officer authorized. [P.L. 1989-41, §20.]

PART V – GENERAL

§1621. Fees.

A fee in an amount to be determined by the Registrar-General shall be paid with each application to cover any administrative or other expenses necessary for the implementation of this Chapter. [P.L. 1989-41, §21, amended by P.L. 1990, §2(8) substituting new Section 21.]

§1622. The operation of Immigration and Emigration Act and Citizenship Act.

(1) The provisions of the Immigration and Emigration Act 1986 (43 MIRC 1), shall prevail notwithstanding the provisions of this Chapter, and accordingly the fact that a person has applied for

registration or is registered in the Register of Persons or is the holder of an identity card shall not, if that person has entered or is remaining in the Republic of the Marshall Islands in contravention of the provisions of the Immigration and Emigration Act 1986 (43 MIRC 1) be deemed or construed to make lawful his entry or residence in the Republic of the Marshall Islands.

(2) The provisions of the Citizenship Act 1984 (43 MIRC 4), shall prevail notwithstanding the provisions of this Chapter, and accordingly the fact that a person has applied for registration or is registered in the Register of Persons or is the holder of an identity card shall not in any manner be held to be proof that such person is or was entitled to citizenship of the Republic of the Marshall Islands. [P.L. 1989-41, §22.]

§1623. Certain identity cards not valid.

An identity card which has been issued or obtained by means of false representation, or fraud or which is not surrendered to the Registrar-General under Section 1617 of this Chapter, within the period specified therein shall be invalid and of no effect. [P.L. 1989-41, §23.]

§1624. Regulations.

(1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Chapter.

(2) The regulations made under Subsection (1) of this Section shall come into force upon approval by the Cabinet. [P.L. 1989-41, §24.]

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